

CALIFORNIA RURAL COUNTIES TASK FORCE

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AGENDA

May 21, 2004

12:30 pm

Room 2116

Caltrans HQ – 1120 N Street, Sacramento, CA

9:00 to 11:00	<i>Charles Field and Scott Maas will host a workshop: <u>Project Delivery – Best Practices for Rural Counties, Part 3.</u></i>
	<i>All Task Force members are welcome.</i>

12:30	A	Self Introductions	
12:35	B	Approve minutes of Mar. 19	J. Schwein
	B-2	RCTF Fall Conference with CalACT	K. Mathews G. Dondero P. Spaulding P. Couch L. Wilcox
12:40	C	Transit Updates – □ 5311 Program □ Legislation	D. Landon J. Jelichich J. Smith
12:50	D	TDA Working Committee – report	K. Meade M. Pitto
1:00	E	ARB Proposed Diesel Emissions rule for all Transit Vehicles – presentation & discussion	M. Pitto
1:30	F	Air Quality Conformity - update	T. Cambell
1:35	G	Legislation/ State Budget	D. Brewer S. Maller
1:45	H	2004 STIP	J. Schwein
1 :55	I	Performance Improvement Initiative	G. Dondero
2:10	J	CTC Commissioners	Various
2:15	K	RCTF Issues and Objectives	
2:25	L	Other	
2 :30		Adjourn.	

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TO: TASK FORCE MEMBERS

FR: George Dondero, Chair

RE: AGENDA NOTES FOR May 21, 2004

- B. **Approval of Minutes.** Thanks to **Jeff Schwein** for documenting the last meeting.
- B-2 **RCTF Fall Conference.** George will summarize work to date of the committee, which met May 11th.
- C. **Transit Issues-RTAP.** **Pete Spaulding** will report on recent CalACT activities. **Pam Couch** will report on recent activities of the 5311 Advisory committee and **Lee Wilcox** will provide an update on current transit- related legislation. Recently CalACT asked for our support on AB2737 (DUTRA) regarding public agency liability. The attached White Paper describes the issues and why this bill is so important. Lee will provide an update on the progress on this bill and others that you may have questions on.
- D. **TDA Working Committee.** **Dan Landon** and **John Jelichich** will report recent progress of this committee. If you have TDA concerns or issues that you would like to see raised, contact Dan or John. John will discuss work by the Farebox Subcommittee. Please review Attachment D prior to the meeting
- E. **Proposed Diesel Emissions Rule.** **Kathleen Mead** of the Air Resources Board will provide a quick overview of the workshop held on May 17th in Sacramento regarding a new ruling on affecting rural transit fleets. The complete set of power point slides from this workshop if you were not able to participate, is available at www.arb.ca.gov/ Please review the information in the slides prior to the Task Force meeting as Kathleen will be here mainly to answer your questions on this new rule expected to be acted on by the ARB this coming October. It is important for the Rural Counties to provide comments and feedback before final action is taken. **Mary Pitto** from RCRC will also be available to discuss possible actions the rural counties may wish to take.
- F. **Air Quality Conformity – Update** The Mountain Counties of Nevada, Amador, Calaveras, Tuolumne and Mariposa were pleased when the US EPA on April 15th made a determination to allow to Mountain Counties to set the boundaries of their own air basins rather than be forced to join with Sacramento or San Joaquin Air Basins for air conformity purposes. That decision was a result of a major collaborative effort between the effected counties including both the RTPAs and the Air Pollution Control Officers of the respective counties. These counties are now moving into the implementation phase of how to meet Air Quality Conformity standards in their transportation planning efforts. **Mary Pitto** will be available to answer questions on this successful effort.

- G. **Legislation / State Budget issues.** **Deanne Baker** of CSAC has been invited to provide an update on Legislation and the State Budget. Also available will be **Tom Campbell**, Legislative Analyst for RCRC. Tom has been tracking some of the transportation bills moving through the Legislature.
- H. **2004 STIP.** **David Brewer** and **Steven Maller** of CTC Staff will be on hand to answer any questions you may have about the 2004 STIP or recent budget developments.
- I. **Performance Improvement Initiative.-** see Tehama County's feedback in the attached letter. Jeff Schwein will discuss this effort led by Secretary McPeake.
- J. **CTC Commissioners.** Any qualified rural candidates for CTC Commissioner?
- K. **RCTF Issues and Objectives.**

Rural Counties Task Force Meeting Minutes

For
March 19, 2004

Minutes approved from January Rural Counties Task Force meeting.

Item C- Transit Updates

Peter Spaulding- CalACT signed a new contract with Caltrans to manage the Rural Transit Assistance Program (RTAP) program for another 3 years (Nov. 30, '06). This is in light of the delayed passing of the Federal Transportation Bill which will affect the program. In the past, the contract has been \$145,000 per year, the contract now is set with \$932,000 worth of work in it, but funding in the current federal proposal may not support that. Various RTAP projects are included. Please call Pete Spaulding with questions regarding this subject.

5311 Committee- Pam Couch - The Committee has met and examined the program and will meet again in April to define the goals of the program. Right now, the plan is to continue existing inter-city services, not necessarily foster new services. It is currently a three year program, but a five year program will be looked at as well. The theme of “nodal” services will be discussed while the program evaluation takes place.

Transit- related legislation- Lee Wilcox-AB 2737-Dutra involves the Bonano Decision, which affects transit operators and other public entities by holding them liable if a citizen is en-route to using the public facility (bus stop, building, etc.). Right now, CalACT is opposing the legislation and trying to gain opposition support.

Torlakson and Oropeza introduced two bills creating fuel user fees; CalACT supports the idea of increasing the fuel tax, but the proposed legislation does not provide any money for transit purposes. CalACT is trying to get an amendment to provide transit dollars. Lee provided a handout of the governors proposed budget and mid-year budget, and it looks like a \$130.7 M cut for transit.

Item D- TDA Working Committee

Last month was the first meeting of this committee. RCTF was well represented by **Dan Landon**, (Nevada) **John Jelicich**, (Trinity) **Pete Spaulding** and **Darin Grossi** (Tuolumne). One mission is to identify topics of discussion. Jake Smith, Caltrans, asked John and Dan what their impressions were of the meeting. John mentioned that the meeting was successful in setting up the committee and there is a good diversity of interests within the group members. John mentioned that in the topic development, the disorganization of the current TDA process was a hindrance and that should be looked at. The only concern John could see was that the committee needs to look at the intent of TDA first, before it starts to redefine the processes like Unmet Needs.

Fairbox recovery was a big topic. Some are looking for an alternative to fairbox recovery as a performance measure, but the concern is that a one-size-fits-all concept will not work with this issue. **Pam Couch** (Modoc) suggested that the data is not consistent and that *trip* should be defined.

Item E- Air Quality Conformity

Scott Maas began the discussion about an issue in Nevada, Amador, Calaveras, Mariposa and Tuolumne Counties regarding the 8-hour ozone standards recommendation from CARB. The EPA in December suggested those counties be affiliated with the San Joaquin or Sacramento air basins. The EPA suggested if those counties wanted autonomy, they should prove why they should be a separate air basin. The counties did prove the transport issue and the EPA did not accept it, claiming the proof was too vague.

This raises the ever growing issue of forcing a linkage between metropolitan areas and rural areas. On April 15th the EPA will issue its decision on the air basin boundaries.

Item F- Aeronautics- CASP System Requirements

Austin Wiswell-The California Aviation System Plan (CASP) was distributed to the group. It is the 2003 Systems Requirement Element. This document will change shape a bit in the next 2 years when it will be re-issued. One main issue discussed in the plan is that RTPA's should be more critical of transportation projects and development that is encroaching on land that should be preserved for airport expansion.

Item G- Legislation

Robert Oaks representing Sen. Tom Torlakson's office, discussed their 3-pronged approach to improving transportation related problems:

1. SB1210-accelerate and streamline projects.
2. Protect Proposition 42
3. Amount of money to transportation is inadequate and more money simply needs to enter the system. One suggestion is a "road user fee" that would add 10cents total (5 to STIP and SHOPP, 4 streets and roads, 1 Air Quality mitigation).

Item H- Traveler Info. 511

Bruce DeTerra discussed the 511 phone traveler information infrastructure that is taking shape throughout California. It is mainly funded through the OWP in the ITS part. No one is obligated to join the effort, but it is encouraged because the program is successful in urban areas. The district offices will be contacting the local agencies with a recommendation of support, not excluding costs.

Item I- PPM Funding

Marty Burns brought up the February PPM allocation and how that issue should be handled in our RTIP. **David Brewer** mentioned that the money that was recently allocated by the CTC for local agencies would just come out of the 04/05 STIP target set in the Fund Estimate. PPM agreements are almost all in the mail and we should get them back soon. The Department of Finance still has to approve the allocation before distribution, but there should be no problem.

Item J- 2004 STIP State Budget

You can use TE money for non-TE projects only if and when the State TE requirements have been met. Don't count on it.

Item K- RCTF Fall Conference with CalACT

The joint Fall Conference with CalACT will take place in Sacramento September 30-October 1st at the Raddisson Hotel. Sessions that have been discussed are:

- Project Delivery-Scott Mass and Charles Fields
- Regional Transportation Plans-Env Doc. Weighted
- Tech Transfer assistance-Don Raffelli
- Experts in Meeting Facilitation
- TDA

Others requested airport issues as a topic.

Agenda Item L- CTC Commissioners

Don Raffelli was suggested as a rural representative for the vacant CTC Commissioner position. Boards should get support by sending letters to the CTC and legislature. **Kathy Lund** was also suggested as a potential Commissioner.

Item M- Project Delivery Workshop

A project Delivery Workshop will be held May 21st, 2004 from 9:30-11:30am, in room 2116 at Caltrans H.Q, prior to the next Task Force meeting.

Item N- California Performance Review

There are 14 teams involved in this effort and some of our constituents are posing our issues, but we should all be participating. The OWP process was mentioned to the CPR team on transportation as having too much bureaucracy in the process.

Item O- RCTF Issues and Objectives

Marty Burns reported on the ITS Committee and handed out the action items discussed at the meetings. They have a ten year vision.

The Federal Transportation Bill is being marked up next week down to \$275 billion. The minimum return to the State is focusing on 91%.

George Dondero gave a summary of the CalCOG meeting.

AB 2737 (Dutra)
Public Agency Liability

INTRODUCTION

Ignoring legislative mandate and judicial precedent, the court in the case *Bonanno v. Central Contra Costa Transit Authority* proclaimed a new theory of premises liability—*dangerous location liability*—under which merely creating a destination is sufficient to impose damages on a public agency. Specifically, if a public entity puts its property to a use that “beckons” the public to come, the public entity can be held liable to a person injured by a hazard encountered en route, even though the public entity neither owns nor controls the hazardous property. The opinion essentially creates a duty for public entities to ensure that all routes traveled to their properties are safe. This is erroneous and unreasonably expands public agency liability.

AB 2737 has been introduced to clarify that a public entity should not be held liable for a dangerous condition on a third party’s property that it is powerless to remedy. This bill clarifies longstanding law which holds that a public agency is not liable for dangerous conditions that exist on roads or sidewalks which are neither owned nor controlled by that agency but are adjacent or lead to their property.

STATEWIDE IMPACT ON GOVERNMENTAL OPERATIONS

Without legislative action, the *Bonanno* decision will have extraordinary impact on governmental operations. In an attempt to satisfy the new duty of care, public entities will have to conduct countless studies reviewing properties “close” to their facilities to decide if relocating or removing a facility would make travel to them marginally safer. This duty to examine nearby properties (which will likely include a detailed analysis of traffic patterns and other risks) has no apparent end. Moreover, at some yet undefined threshold of danger, public entities must apparently relocate or cease providing public services altogether when the dangers posed on neighboring properties become too great. This unprecedented expansion of liability applies to *all* public entities whose property is open to the public.

At the same time, the *Bonanno* decision offers no guidance as to the scope of the required studies. How far must the inspection range? How likely must it be that the public property user will cross the nearby property? How often must an inspection be performed? How likely must it be that the users of adjacent property are on their way to, or departing from, the public property?

If the Legislature does not act, these questions will likely go unresolved – even after years of litigation. But a few things are certain. Local governments will suffer under the burden of increased legal budgets, costly verdicts and expensive ongoing reviews of properties next to their facilities. Obviously, these costs cannot come without sacrifice: public agencies will be called upon to cut services. Using the example of transit districts again, commuters who rely on public transit will ultimately walk further to transit stops and pay increased fares. Despite all this, nothing need ever be done to make the neighboring properties where hazards exist any safer.

All agencies face a similar choice. Do they maintain the current level of service at the risk of later paying substantial damages, or do they spend significant resources attempting to eliminate the danger associated with travel to and from their service? For example, will public entities be required to analyze the placement of entrances on civic buildings to ensure they are positioned nearest a lighted, and purportedly safer, intersection? Must entrances to parking garages, playgrounds, swimming pools, schoolyards, restrooms and other facilities be relocated away from busy streets? Indeed, as currently stated, the public property affected by the *Bonanno* decision is without limit.

DANGEROUS CONDITION LIABILITY BEFORE BONANNO

Until the *Bonanno* decision, public agency liability under California law was well-settled—except as might be constitutionally required, liability could be imposed on a public agency only as specified by statute.¹ The intent of the legislature was “to confine potential governmental liability to rigidly delineated circumstances.”² The statute specifying the circumstances applicable here—Government Code section 830—is clear: “‘Property of a public entity’ and ‘public property’ mean real or personal property *owned or controlled by the public entity*, but do not include easements, encroachments and other property that are located on the property of the public entity but are not owned or controlled by the public entity.”³

Consistent with the statute, liability under dangerous condition theories has historically been limited to property that a public agency actually owned, operated or controlled.⁴ The same was true for private defendants, which have no duty to ensure a safe means of ingress and egress across adjacent property they do not control.⁵ Without the “crucial element” of control, no duty to exercise reasonable care to prevent injury on adjacent property exists.⁶ To be sure, property owned or controlled by a public entity “may be considered dangerous if it creates a substantial risk of injury ... to persons on adjacent property; and its own property may be considered dangerous if a condition on the adjacent property exposes those using the public property to a substantial risk of injury.”⁷ Thus, for example, a decaying tree limb overhanging private property can subject a public entity to liability to persons injured on adjacent property.⁸

As discussed below, however, the *Bonanno* decision steers the law in a new direction, for the first time interpreting the Government Code to impose premises liability for injuries on adjacent property that the public entity neither owns nor controls, based on a hazard there that the public entity’s property neither creates nor intensifies.

¹ Gov. Code §815; *Brown v. Poway Unified School Dist.* (1993) 4 Cal.4th 820, 829; *Peterson v. San Francisco Community College Dist.* (1984) 36 Cal.3d 799, 809.

² *Brown v. Poway Unified Sch. Dist.*, *supra*, 4 Cal.4th at 829.

³ Gov. Code §830(c), emphasis added.

⁴ *Lompoc Unified Sch. Dist. v. Superior Court* (1993) 20 Cal.App.4th 1688, 1693 -94; *Low v. City of Sacramento* (1970) 7 Cal.App.3d 826, 831-34 (necessary control defined as the power to prevent, remedy or guard against the dangerous condition).

⁵ *Sprecher v. Adamson Companies* (1981) 30 Cal.3d 358, 368.

⁶ *Schwartz v. Helms Bakery Limited* (1967) 67 Cal.2d 232, 239; *Seaber v. Hotel Del Coronado* (1991) 1 Cal.App.4th 481, 492.

⁷ 4 Cal.L.Rev.Comm. Reports 1001 (1963), emphasis added.

⁸ *Ibid.*

SUMMARY OF CASE

In *Bonanno v. Central Contra Costa Transit Authority*⁹ the plaintiff sued the Central Contra Costa Transit Authority (CCCTA) alleging that locating a bus stop near a busy uncontrolled intersection constituted a dangerous condition within the meaning of Government Code section 830. The ultimate issue was whether CCCTA could be held liable on a dangerous condition theory for injuries a pedestrian sustained outside any property owned, operated or controlled by CCCTA, when the pedestrian was hit by a car in a crosswalk which led to CCCTA's bus stop. CCCTA's property consisted solely of a sign it erected designating where the bus would stop, and, as plaintiff admits, there was nothing wrong with the bus stop itself and no danger there. Still, the Court of Appeal found, "[t]his case is about the location of a public bus stop which **beckoned** a prudent pedestrian to cross a busy street in an unprotected crosswalk under conditions that posed a substantial risk of harm to pedestrian patrons."¹⁰ Based on testimony that relocating or removing the bus stop altogether would have made it safer for pedestrians intending to use CCCTA's bus service, the court held that there was substantial evidence upon which the jury could have found that the bus stop constituted a dangerous condition.¹¹ This analysis is wrong for numerous reasons.

First and foremost, never before has a public agency been held liable for a dangerous condition neither on, created by, nor intensified by any property that it owns, operates or controls. Obviously, there was no danger at the bus stop, and the court imposed liability on CCCTA because it considered the crosswalk on a county roadway dangerous, disregarding the fact that CCCTA had no authority to remedy that condition. But the location of the bus stop did not create or worsen any dangerous condition in the crosswalk. Indeed, no feature of the bus stop made it dangerous to use the crosswalk or increased any danger that might be present. Rather, the crosswalk was equally safe or dangerous regardless of where the bus stop was located and moving the bus stop would have done nothing to remedy any danger in using the crosswalk. In sum, the bus stop merely presented a reason to use the crosswalk; it did not create a dangerous condition.

Second, whether a public entity's property might be made safer by locating it elsewhere is not, and never has been, the test to determine whether a dangerous condition exists under Government Code section 830. Accordingly, the feasibility of finding another location for the use to which public property is devoted has never previously been the basis for imposing premises liability. In this regard, the court's surprising attempt to analogize bus stops and street vendors reflects unfamiliarity, if not insensitivity, for the needs of those who use public transit—particularly in urban settings, the commuting public depends on knowing where transit stops are located day in and day out.¹²

Third, whether an injured person can sue for damages should not depend on where he or she was going. Recovery for injuries sustained by persons otherwise similarly situated—exposed to the identical danger—should not turn upon the reason for their

⁹ (2003) 30 Cal. 4th 139.

¹⁰ *Id.* at 1408 (emphasis added).

¹¹ *Id.* at 1410

¹² *Bonanno v. Central Contra Costa Transit Authority*, *supra*, at 1410.

presence on public property. Conversely, a public entity's liability should not depend on whether its property was the plaintiff's end destination. *Bonanno*'s ruling to the contrary is patently unfair to both plaintiffs and public entities, and invites mischief.

Fourth, *Bonanno* upsets settled common carrier law which, even under a heightened duty of care, only requires a common carrier to "provide a reasonably safe place where the passenger may board"¹³ and limits liability to actual passengers and prospective passengers at the transit stop when the operator has indicated an intent to receive them.¹⁴

Fifth, property devoted to public use necessarily "beckons" people to get there by some means. The reality of the *Bonanno* opinion, accordingly, is to saddle public entities with the responsibility to ensure that the means of ingress and egress across nearby property are safe. This Court has consistently repudiated the notion that private property owners can be held liable for injuries that occur on adjacent property they neither own nor control, recently rejecting the "commercial benefit" theory of premises liability.¹⁵ The *Bonanno* case's "dangerous location" theory—imposing liability on a landowner for creating a reason for the public to use adjacent property—simply recasts the discarded commercial benefit theory. However labeled, the theory has no merit. The touchstone of liability in the private and public property context alike is ownership or control.

The *Bonanno* decision is particularly troubling to public entities because, consistent with the long-recognized evil inherent in creating a duty of care beyond premises the landowner defendant owns or controls,¹⁶ the opinion provides no guidance as to how far the duty it creates might extend: Does it apply to adjacent property within 50, 500 or 5,000 feet? Does it apply when the adjacent property is sometimes, usually or always crossed to reach the public entity's property? In fact, any answers to these questions are inherently arbitrary, and for that very reason premises liability—public and private—has previously been limited to property that the defendant either owns or controls. As so aptly stated by the court in *Owens v. Kings Supermarket*, "[i]t is impossible to define the scope of any duty owed by a landowner off premises owned or controlled by him...To ask the questions is to demonstrate the futility of attempting to impose and define such a duty."¹⁷

As Government Code section 830 provides and all other California courts have previously recognized, liability should turn on whether the public entity *owns or controls* the property that constitutes, creates or intensifies a dangerous condition. By departing from this well-established test, the *Bonanno* decision threatens a whole new class of lawsuits, the results of which are entirely unpredictable.

¹³ *Lagomarsino v. Market Street Ry. Co.* (1945) 69 Cal.App.2d 388, 395-96.

¹⁴ Civil Code section 2100; *Hart v. Fresno Traction Co.* (1917) 175 Cal. 489, 490; Standard Civil Jury Instructions – Civil, BAJI No. 6.55.

¹⁵ *Alcaraz v. Vece* (1997) 14 Cal.4th 1149, 1157-1159; *see also Seaber v. Hotel Del Coronado*, *supra*, 1 Cal.App.4th at 487-89, 491-93.

¹⁶ *Owens v. Kings Supermarket* (1988) 198 Cal.App.3d 379, 386; *Steinmetz v. Stockton City Chamber of Commerce* (1985) 169 Cal.App.3d 1142, 1147.

¹⁷ *Owens v. Kings Supermarket*, *supra*, 198 Cal.App.3d at 386-387, emphasis the Court's and added, citations omitted, quoting *Steinmetz v. Stockton City Chamber of Commerce*, *supra*, 169 Cal.App.3d at 1147. (Courts consistently refuse to recognize a duty to persons injured in adjacent streets, parking lots or other property, over which the defendants do not have the right of possession, management and control.)

CONCLUSION

Plainly, the courts failed to consider the statewide impact created by the new “dangerous location” theory of liability it articulated.

The decision reaches far beyond the public entity defendant in *Bonanno*. Indeed, *Bonanno* represents a radical departure from both established dangerous condition of public property law and common carrier law, vastly expands public agency liability, and is bound to inspire a flood of litigation, ultimately leading to a substantial diversion of public funds from public services to legal expenses.

If a crosswalk is dangerous, the simple solution should be to make the crosswalk safer, not eliminate the reasons to use it. If a public agency has no authority to remedy the dangerous condition of a crosswalk—neither owning nor controlling the roadway where it was situated—there is no justification for holding it liable.

AB 2737 should be enacted into law because no public entity should be held liable for a dangerous condition which it does not create and cannot remedy.

***TDA Farebox Issues
Draft, 4/30/04*****Background:**

The concept behind TDA was to bolster revenue for transit. After the passage of Prop 13, farebox recovery requirements were put in place to insure that local support for transit would not be supplanted by TDA funds.

Elimination of fares would make transit a social service. That was not the legislative intent. PUC views transit as an enterprise, similar to water and sewer. The belief is that as much funding as possible should come from the users.

Farebox rules were a nice try 25 years ago, but "What is a better way?" Maybe the question needs to be re-asked of "what is the Legislature's goal? Twenty-five years ago, concepts like congestion relief, Environmental Justice, urban infill, rural retirement communities and the aging of the baby boomers weren't even being mentioned.

Performance measures based on operating costs are not necessarily the best indicators of "efficiency". Rail systems tend to get "good" farebox recovery, because their average passenger has more disposable income than a bus passenger, whether that passenger is urban or rural. Long-distance commuters often have more disposable income also. Rail systems have much higher capital costs, which are not mentioned at all in farebox rules, and the "cost per passenger" subsidy for rail extensions can go easily to \$100 or more. Is this "efficiency"?

Also, what is the logic-and-benefit of including all kinds of "local support" revenues for the STA-revenue calculation while farebox rules look at a smaller subset of operating revenues? We have to think about this carefully before proposing wholesale changes, but we should think, at least. Expenses such as marketing, which if well-done can bring in ridership (and fares) over time, are charged to the immediate year, not spread over multiple "benefit periods." On the other hand, "depreciating" or averaging such expenses over multiple years could be an accounting nightmare as well.

Issue:

Section 99268.2 holds systems that had a farebox recovery ratio greater than the minimums as of 1978-79 to a higher requirement discourages systems from providing additional service.

Example:

System expenses	\$500,000
System fare revenue	\$100,000
Recovery ratio	= 20%

If a recovery ratio of 10% were allowed, expenses could climb to \$1,000,000 and the 10% ratio could still be met. In all likelihood, extra service would result in higher fare revenue. This means service could double!

That is,	System expenses	\$1,000,000
	System fare revenue	\$100,000 (at least)
	Recovery ratio	= 10%

Issue:

Local governments should determine what measures of effectiveness are to be used.

Example:

The decision to provide service, how much, at what cost, should be made locally. After all, it is a local tax. It is merely collected by the state and returned to the county of origin. Let the unmet needs process, involving SSTACs, CTSA transit operators, public works, and consumers determine the use of funds and whether they are being used effectively.

Issue:

Farebox needs to be looked at statewide, not just in selected areas or based on system size. The current rules are a collection of exceptions, so there is no concept of equity in how they apply. As legitimate reasons for adjusting farebox recovery have been identified, exceptions have been made. So many have been made that one could question the usefulness of farebox recovery as a requirement. What other statistics are there that are good measures of efficiency that could replace or serve as an alternative to farebox recovery?

See attachment itemizing Farebox Recovery Exemptions.

Example:

TCRP Synthesis Report 6, The Role of Performance-Based Measures in Allotting Funding for Transit Operations, dated 1994, suggests that two movements seem to be occurring among state departments of transportation that include performance measures in their allocation formulas:

- Performance measurement is being used to provide an incentive level of funding rather than as a determinant of base allocations.
- Performance-based measures are being eliminated from their allocation systems entirely.

In addition some state departments of transportation and MPOs have considered performance measurement and performance based allocation of financial aid. But they recognize that developing appropriate measures and allocation mechanisms that are responsive is no small task. At a minimum, it requires the active participation of transit systems and local and state legislative bodies.

Issue:

Do operators consistently follow the definitions of fare revenues (or expenses) when calculating fare recovery? There are operating expenses which generate non-farebox revenue. These operating expenses increase the farebox recovery requirement, yet the revenue generated can not be used in the calculation.

Example 1:

Advertising activities. Operators incur the cost for marketing, production and managing this activity. It is counted as an operating expense. But the revenue it generates is accounted for separately and is not counted as credit towards fare box revenue. This service is directly related to the everyday operations of a transit system.

Example 2:

An operator is an outlet for intercity bus tickets. They receive a commission on the sale of tickets. The sale of tickets requires office space, staff time, phone lines, and other operating expenses that cannot always be itemized. These expenses are included with all operating expenses, and increase the amount of farebox needed to maintain the matching requirement. Yet the commission earned on the sale of intercity tickets can not be counted as farebox revenue.

See attachment for definitions of fare revenue. Are systems including sub items 401.01 through 401.99, 402.01 through 402.06 in their fare revenue calculation? Are systems aware, and do auditors follow, the proper definitions of supplementing fare box revenue (99268.19)?

Issue:

Farebox recovery is counter productive to Environmental Justice requirements.

Example:

TDA is set up in a way that discriminates against transportation dependant people in rural areas. Fare box recovery standards are so limiting that service cannot be provided to those who live outside of larger communities. In urban poor communities do not have the options that rural ones do, a lower fare recovery requirement. AC Transit recently completed an on-board survey that showed that more than 55% of adult respondents have a household income of under \$30K, in one of the highest cost-of-living areas in the country, yet gated communities in the same counties have no farebox requirement if they "coordinate" with BART. The ACE train passenger survey shows average household incomes over \$100K. We need better performance measures for transit throughout the State – farebox is an artificial, and inequitable, metric, and should be a key topic for revision.

Issue:

There is no statistic measure of accountability for TDA used for streets and roads projects

Example:

Funds are available to be used for streets and roads projects if there all transit needs that are reasonable to meet have been met. There is no measure of efficiency or effectiveness required. Should there be similar requirements/performance audits/standards for streets and roads projects?

So, should Fare Box be the "best" or "only" standard:

1. **NO!** Fare box recovery is not an appropriate performance measure because:
 - a. Operating costs are significantly higher in rural areas due to longer distances between bus stops and/or communities.
 - b. The mountainous topography in some rural areas that must be driven increases wear on vehicles and reduces fuel mileage. Mountainous rural areas will always have fewer transit riders and higher operating costs.
 - c. Urban poor communities do not have the options of a lower fare recovery requirement. Their riders have far less disposable income and services are far less likely to meet the higher urban farebox recovery requirement.
 - d. The exceptions adopted over they years clearly indicate that the farebox rules are not equitable, and if a system is in trouble, all they need is a good lobbyist

or consultant, and they can usually get things changed to their benefit, while the less powerful do not have this option as readily available.

Other Possible Criteria:

1. Allow RTPAs and LTCs to adopt alternative performance measures similar to the language for Article 8(c) for Article 4 transportation services. These may vary from area to area. One standard does not work for everyone because everyone's service and operating conditions are different.
2. Amend the definition of "operating cost" to "net operating costs" and exclude insurance costs, fuel costs (or a portion of fuel costs based on a formula that takes into consideration unusually large amount of miles driven per passenger served)
3. TDA needs more flexibility. Allow alternative forms of transportation, such as volunteer driver programs (volunteers are reimbursed for mileage but do not charge for their time) for medical or other services by cities and counties under Article 4. Why limit transportation services to buses when that form of transportation is not cost effective in many rural areas resulting in findings of "no unmet needs" that are "reasonable to meet".
4. Amend the definitions for "fare revenues" to allow other revenue sources than passenger fares. These could include advertising, parcel deliveries, or other services that are not included in revenue account classes 401, 402, and 403. If this is not acceptable, then allow this type of revenue to be deducted from operating costs in determining "net operating costs" and then calculate the fare box ratio.
5. Additional options can be found in TCRP Synthesis Report 6, The Role of Performance-Based Measures in Allotting Funding for Transit Operations.

Additional background on Environmental Justice:

The Environmental Justice Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (EO 12898) addresses fair treatment of all people regardless of race, color, ethnicity or income with respect to the benefits and burdens of environmentally related programs, policies and activities. EO 12898 directs each Federal agency "to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." The EO and accompanying Presidential Memorandum emphasize that agencies should utilize existing laws, such as the National Environmental Policy Act (NEPA) and Title VI of the Civil Rights Act of 1964, to achieve this mission.

EJ in transportation means that all people (particularly including low-income communities and people of color) have equitable access to the benefits of transportation decision-making, projects, and policies, and that they do not bear any disparate burden from such actions. EJ also requires the meaningful and timely involvement of all people in the decision-making process. Another term for EJ is social equity.

IS THIS FAIR?			
Summary of TDA provisions relating to "Farebox" Rules			
(all sections below are in Public Utilities Code)			
Section	Topic	Added/ Amended	Comments
99268	"50% Limitation"	added 172, amended 1973, 1974, 1979	Original rule for everyone
99268.1	Maintenance of Effort	added 1979, amended 1979, 1980	Maintain base year (1978/79) ratio
99268.2 through 99268.4	Basic Farebox Rules	added 1979, amended 1979, 1980	20% for urbanized, 10% for rural, or base year "whichever is greater"
99268.5	"Excusive" E&H service	amended 1982, 1989	
99268.8	Extensions of service can be excluded	amended 1981, 1986	2 years after first fiscal year of operation
99268.9	Penalties	amended 1986	
99268.1	San Bernardino	repealed 1982	No longer applicable, but also see provision for ADA below
99268.11	"2 Strikes & you're in" exemption	added 1984 urgency	Added for Samtrans (strike by own workers & Greyhound)
99268.12	15% "combo" rule	added 1986, amended 1987	
99268.16	Ridesharing costs excluded		
99268.17	Other costs excluded (ADA, insurance)	added 1986, amended 1989, 1996, 2003	
99268.18	"Non-exclusions"	added 1986	
99268.19	Can add local funds	added 1988	
99269	San Diego County "treat as one"	added 1981	
99270.1	Urbanized & non-urbanized	added 1979, amended 1984	
99270.2	Change in UZA due to Census	added 1982, amended 1984, 1986	Allows 5-year grace period
99270.5	Exemption for Bay Area small	was section	BUT, see rules for "AB 842"

	operators "coordinated with BART"	99270, added 1979 as urgency, amended & renumbered 1986	(BART half-cent tax) -- requires 33% farebox for AC, BART, Muni
99271	Allocations require "fully funded" pension program	added 1974	
99275.5(c)(4)	Can substitute "regional, countywide, or county subarea performance criteria, local match requirements, or fare recovery ratios" for Article 4.5 programs	added 1982	
99405(c)	Can substitute "regional, countywide, or county subarea performance criteria, local match requirements, or fare recovery ratios" for Article 8 programs	added 1982	
99405(d)	Exemptions for "city or county with a population of less than 5,000"	?1989	Added for Alpine County
99314	STA allocations based on "total revenues"		See 6722(b) of regulations for "qualifying revenues"
			Working version Piras, 4/30/04

6.2 Definitions of Revenue Object Classes **(*Denotes Required Object Classes)**

***401. Passenger Fares for Transit Service**

These categories cover revenue earned from carrying passengers along regularly scheduled routes. Each revenue object class is to include the base fare, zone premiums, express service premiums, extra cost transfers and quantity purchase discounts applicable to the passenger's ride. Also included is a category which covers "park and ride" revenue.

401.01 Passenger Fares for Transit Service - Full Adult Fares

the revenue earned from carrying passengers who pay the full adult fare.

401.02 Passenger Fares for Transit Service - Senior Citizen Fares

the revenue earned from carrying passengers who pay a special, reduced fare because they are older than a prescribed age limit.

401.03 Passenger Fares for Transit Service - Student Fares

the revenue earned from carrying passengers who pay a special, reduced fare because they are enrolled in an educational institution.

401.04 Passenger Fares for Transit Service - Child Fares

the revenue earned from carrying passengers who pay a special, reduced fare because they are younger than a prescribed age limit.

401.05 Passenger Fares for Transit Service - Handicapped Rider Fares

the revenue earned from carrying passengers who pay a special, reduced fare because they are physically handicapped

401.06 Passenger Fares for Transit Service - Parking Lot Revenue

the revenue earned from parking fees paid by passengers who drive to "park and ride" parking lots operated by the transit company in order to utilize transit service. Revenue earned from the operation of parking lots which are not normally "park and ride" locations is collected in object class 407.05.

401.99 Passenger Fares for Transit Service - Other Primary Ride Fares

the revenue earned from carrying passengers who pay a special, reduced fare for some reason other than those specified in items 401.02 through 401.05.

***402. Special Transit Fares**

These categories cover revenues earned

- for rides given in regular transit service, but paid for by some organization rather than by the rider, and
- for rides given along special routes for which revenue may be guaranteed by a beneficiary of the service.

402.01 Special Transit Fares - Contract Fares for Postmen

the revenues earned by providing rides for postmen with periodic contractual payments (rather than fare box collections) being made directly from the U. S. Postal Service to the transit system.

402.02 Special Transit Fares - Contract Fares for Policemen

the revenue earned by providing rides for policemen with periodic contractual payments (rather than fare box collections) being made directly from the police authority to the transit system.

402.03 Special Transit Fares - Special Route Guarantees

the amounts paid by industrial firms, shopping centers, public and private universities, etc., to guarantee a minimum revenue on a line operated especially for the benefit of the payer.

402.04 Special Transit Fares - Other Special Contract Transit Fares - State and Local Government

the revenue earned under contractual arrangements with state or local governments for transit fares other than those arrangements specified in categories 402.01 through 402.03 above. Revenue earned from other contract sources is collected in object class 402.05.

402.05 Special Transit Fares - Other Special Contract Transit Fares - Other Sources

the revenue earned under contractual arrangements with non-government entities for transit fares other than those arrangements specified in categories 402.01 through 402.03 above. Revenue earned from other State and local government entities is collected in object class 402.04.

402.06 Special Transit Fares - Non-Contract Special Service Fares

the revenue earned by providing special service rides for sporting events, sightseeing, etc., where fares are not guaranteed on a contractual basis.

***403. School Bus Service Revenues**

This category covers revenues earned from operating vehicles under school bus contracts.

403.01 School Bus Service Revenues - Passenger Fares from School Bus Service

the amounts paid by schools for the operations of buses exclusively to carry children to and from their schools.

California Air Resources Board

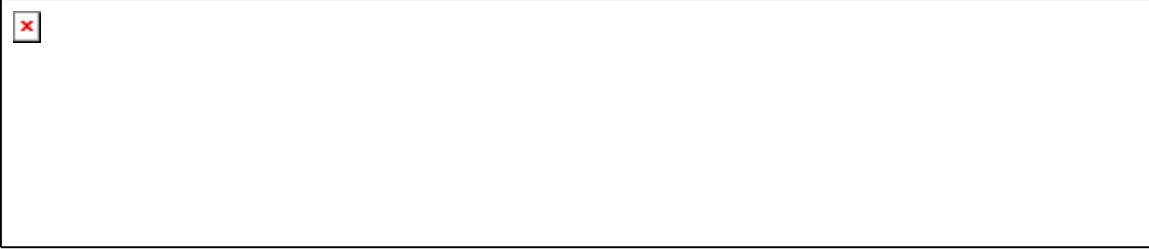
Cal/ACT Conference
April 5, 2004**Compliance Example:****A Small Fleet as of January 2005:**

Model Year	Number	NOx	Total NOx	PM	Total PM
1994 (diesel)	1	5 g	5	0.1 g	0.1
1996 (diesel)	1	5 g	5	0.1 g	0.1
1997 (diesel)	1	5 g	5	0.1 g	0.1
1998 (diesel)	3	4 g	12	0.1 g	0.3
1999 (diesel)	6	4 g	24	0.1 g	0.6
2000 (gasoline)	1	1.3 g	1.3	0	0
2001 (diesel)	3	4 g	12	0.1 g	0.3
Totals:	16		64.3	PM	1.5
	NOx Average:		4.0	Total	

The Same Small Fleet as of January 2007 with Turnover:

Model Year	Number	NOx	Total NOx	PM	Total PM
1999 (diesel)	6	4 g	24	0.1 g	0.6
2000 (gasoline)	1	1.3 g	1.3	0 g	0
2001 (diesel)	3	4 g	12	0.1 g	0.3
2004 (diesel)	3	2.5 g	7.5	0.1 g	0.3
2007 (diesel)	3	1.2 g	3.6	0.01 g	0.03
Totals:	16		48.4	PM	1.2
	NOx Average:		3.0	Total	

Conclusion: You have met your required NOx Fleet Average for 2007 (3.2 g) but not the required PM reduction of 25% (1.125). What do you do? Install one DPF on a 1999 or 2001 bus engine. This reduces your PM total to 1.115.



Release 04-11

**FOR
IMMEDIATE
RELEASE
April 21, 2004**

CONTACT: Jerry Martin
Gennet Paauwe
(916) 322-2990
www.arb.ca.gov

Six Transit Agencies Pay Clean Air Violation Fines

SACRAMENTO - The California Air Resources Board (ARB) announced today that it had reached settlement agreements totaling \$73,500 with several California transit agencies for their violations of regulations that cap the fleet-total emissions of nitrogen oxides.

"These settlements underscore the need for further improvement in emission controls for all buses," said ARB Executive Officer Catherine Witherspoon. "While we urge Californians to use public transit, we must ensure that the buses they board are as clean as possible."

Six public transit agencies have paid penalties totaling \$71,000 to settle violations of California's fleet rule for transit agencies. These rules require agencies to reduce their fleets' average ozone precursors and particulate matter over time, and to regularly report on their progress. For their failure to comply with these the following list describes the agency and the amount each has paid:

- Alameda-Contra Costa Transit, \$60,000
- the City of Commerce, \$4,000
- City of Chico, \$3,500
- City of Los Angeles Department of Transportation, \$2,500
- City of Folsom, \$2,500
- San Luis Obispo's South County Area Transit, \$1,000

The settlement monies will be deposited in the state's Air Pollution Control Fund (APCF). The APCF is used to mitigate various sources of pollution through education and the advancement and use of cleaner technology.

The Air Resources Board is a department of the California Environmental Protection Agency. ARB's mission is to promote and protect public health, welfare, and ecological resources through effective reduction of air pollutants while recognizing and considering effects on the economy. The ARB oversees all air pollution control efforts in California to attain and maintain health based air quality standards.

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ITEM-I

April 7, 2004

R-04-091

State of California
Business, Transportation and Housing Agency
980 9th Street, Suite 2450
Sacramento CA 95814-2719

ATTN: Secretary Sunne Wright McPeak

RE: RECOMMENDATIONS FOR THE PERFORMANCE IMPROVEMENT INITIATIVE-TRANSPORTATION

Dear Secretary McPeak:

Thank you for the opportunity to participate in the Performance Improvement Initiative Forum regarding transportation issues on March 30-31, 2004. The Tehama County Transportation Commission appreciates the ongoing efforts toward the goal of improving effectiveness and efficiency in transportation planning and project delivery in California. We hope the enthusiasm for evaluating the transportation industry's methods for funding and project delivery continues to get this high level attention in future years as well.

Rural transportation systems provide a vital link to the State transportation system. Our system of roads provides access from farms and ranches to the larger markets in the State. We face many of the same challenges as the more urban areas:

- \$ Maintaining a safe and efficient highway system
- \$ Planning and building for regional growth and a changing economy
- \$ Providing safe routes and connections from local neighborhoods to the I-5 Interstate
- \$ Providing transit and alternative modes of transportation for the disabled and disadvantaged
- \$ Repaving and rebuilding bridges that have become structurally unsound
- \$ Meeting the demands of Federal and State mandates for air quality and other environmental regulations

Tehama County Transportation Commission works hard to meet these demands with a total State Transportation Improvement Program (STIP) that is less than some projects in the larger urban areas.

When the BT&H Agency reports to Governor Schwarzenegger regarding alternative financing solutions and local contributions, please remember a few things that hinder alternative financing

in rural areas. **1)** Sales tax measures in rural areas are not popular and have a small chance of surviving a public vote, and **2)** transportation projects in rural areas tend to be relatively small compared to metropolitan area projects and therefore are not likely to attract bonding companies.

In the current atmosphere of financial shortfalls, it is imperative that alternative funding sources be explored, but we must not lose sight of the importance of the existing structure of transportation funding. **The STIP, which contributes the majority of funding toward our rural transportation system must first and foremost be preserved as the primary transportation program for rural areas in California.**

Needed improvements to project delivery in the rural areas can be summarized in streamlining the process. Empower the local Caltrans District (in our case District 2 in Redding) to administer the entire STIP for each small County as an agent of the California Transportation Commission (CTC). The rules for setting priorities at the local Regional Transportation Planning Agency must stay in tact. It is inefficient for the CTC to consider each component as a separate allocation when a major project may be a \$100,000 construction match to Federal Highway Bridge Repair and Replacement (HBRR) funds. Although our total STIP is relatively small, it is critical to project delivery, jobs, and the local economy.

The suggestions to improve transportation planning and project delivery discussed at the Forum should help your agency convey our message to the Governor and the Cabinet. The Tehama County Transportation Commission would like to make the following suggestions for the Business Transportation and Housing Agency to include in their discussions with Governor Schwarzenegger:

Budget and Financing

1. Proposition 42 transfers must occur in the 04/05 Fiscal Year and subsequent years. Without these funds, Federal funds are in jeopardy and key personnel may be lost. Small agencies cannot carry staff, and loss of staff will effect project delivery for years to come.
2. Long term protection (for transportation use only) of Proposition 42 dollars should be considered. Local agencies must have assurance of ongoing funding to properly plan, prepare, and deliver.
3. State Highway Account repayments from General Fund loans must be re-paid as scheduled.
4. Bonding for transportation projects should be approached with caution and educated decisions. Borrowing money for select transportation projects could undermine the future programming in the STIP by utilizing overall capacity for loan repayments. STIP has been successful because the program has been balanced across the State and agencies must budget based on the STIP availability of funds.

Planning and Processes

1. Local control of programming and project selection (the essence of Senate Bill 45) is the key to a successful regional, as well as interregional transportation program. For rural counties, local control should be expanded to project delivery through the existing Caltrans district offices.
2. Encourage land use and transportation entities to coordinate planning efforts.
3. Refine the efficient use of Caltrans resources without restricting project progression.
4. Empower the Caltrans District Offices to administer STIP funds up to \$5 million per year for a Regional Transportation Planning Agency.
5. Continue and expand upon the movement to allow Caltrans district offices to certify certain environmental documents.

I am sure that you are aware of efforts in the past to improve project delivery that has resulted in more detailed suggestions than I have provided here. DeAnn Baker, Legislative Representative for the California State Association of Counties (CSAC) recently distributed a study completed in 1995 entitled "Agenda for Change". This cooperative effort resulted in recommendations that are relevant today. Also, as a result of AB1012, there is a productive effort ongoing by four regional teams established by Caltrans. I trust these documents will be referenced and considered as part of the Performance Improvement Initiative.

This initiative is an excellent step in the direction of improving transportation funding and project delivery in California. The suggestions of CFEE, PECG, CTC, the Keston Institute, Gary Gallegos, Mark Watts, DeAnn Baker, and all the other participants truly represent a wealth of transportation knowledge and progressive ideas. The task to balance competing demands can be daunting. We applaud your initiative and look forward to improvements being implemented that will improve transportation planning and project delivery in California. Please let me know how Tehama County Transportation Commission can best help you in this process.

Sincerely,

Williams J. Goodwin, P.E., P.L.S.
Executive Director
Tehama County Transportation Commission

cc: Jim Davis, Caltrans Headquarters
DeAnn Baker, CSAC
Brian Crane, District

RCTF ISSUES AND OBJECTIVES
Report

Issue/Objective

Rural Transit (FTA 5310, 5311, Welfare to Work, CalACT)	Pam Couch, Modoc
City/County/Caltrans/FHWA Coordinating Group	G. Dondero
CalCOG Activities	Phil Dow, Lake & Mendocino
Federal Aid Project Streamlining	C. McAdam
TEA-3 Federal Reauthorization	C. McAdam
Transportation for Economic Development Committee	C. McAdam
RTP Guidelines	C. Field
ITS Statewide Architecture and system Plan	M. Byrne
Local Assistance "Enhanced Training Committee"	Spencer Clifton, Humboldt
Annual RCTF Conference w/CalACT	K. Mathews, D. Landon, G. Dondero, J. Schwein

Update on the State Budget and Governor's May Revise

(From DeAnn Baker, Legislative Representative, CSAC)

May 14, 2004

Transportation

The Governor's May Revise indicates that due to the availability of anticipated one-time tribal gaming revenues the budget proposes to convert the 2004-05 Proposition 42 suspension to a loan, rather than outright elimination. Further, the May Revise claims that this would also allow the repayment of the outstanding General Fund obligations to be accelerated. The May Revise proposes to provide \$383 million for transportation purposes, including \$243 million from the General Fund to the Traffic Congestion Relief Fund (TCRF) and \$140 million from the estimated 2004-05 "spillover" revenues to the TCRF. The \$383 million is proposed to be allocated as follows:

- \$184 million to the State Highway Account for State Transportation Improvement Program (STIP) projects
- \$163 million to Traffic Congestion Relief Projects (TCRP) and;
- \$36 million to the Public Transportation Account.

The \$163 million for the 141 TRCP projects will be allocated based on a review of projects by the Business, Transportation and Housing Agency (BTHA), in cooperation with the CTC based on the following criteria: 1) Economic impact, including job creation, 2) Impact on goods movement, and 3) Leveraging of local, federal and private funds.

Further, the Administration continues to support the change proposed in the January budget in accounting from accrual to cash of the local obligational authority because this change will free up additional resources on a one-time basis. However, as implementation has moved forward, it has become clear that the anticipated level of resources available to move to the General Fund will not be realized primarily due to lack of federal access to apportionments, delayed federal reauthorization, and the complexity of matching apportionments to projects. It is still likely that roughly \$200 million will be available from this effort. Accordingly, the Administration is modifying its Mid-Year request to retain the benefit of these efforts with transportation, rather than accruing any of the benefit to the General Fund.

CSAC greatly appreciates the Administration's commitment to transportation and the significant improvement from the January Budget, however it should be noted that the proposal does not include any funding for cities and counties for local streets and roads rehabilitation meaning a loss of an estimated \$180 million plus for 2004-05 on top of the \$188 million loss in 2003-04. During a briefing on the May Revise from Madam Secretary Sunne McPeak with the Business, Transportation and Housing Agency questions were raised about the allocation of future revenues should they become available, and whether the Administration would abide by the Proposition 42 formulas and dedicate monies to local streets and roads. The response was "that if there is additional one-time money from the Indian Gaming negotiations the \$1.383 billion loan due in 2005-06 would be accelerated to 2004-05 and the Administration realizes that local streets and roads funding remains important."

ACTC

AMADOR COUNTY

TRANSPORTATION COMMISSION

May 14, 2004

TO: Rural County Task Force

FROM: Charles Field, Amador County Transportation Commission

SUBJECT: Project Management Workshop III

Feedback from the last Project Management Workshop at the Squaw Valley Conference was that the topic was too broad and lacked specific tools for better transportation project management. At subsequent RCTF meetings, Task Force members expressed interest in another workshop that would tie together and follow up on project management concerns that were discussed at the first two workshops (Konocti Harbor-10/02 and Squaw Valley-10/03).

The Project Management Workshop III scheduled for **9:00 a.m. till 11:00 a.m. on May 21, 2004 (Room #2116, Caltrans Headquarters)** will focus on the most basic elements of project management and delivery. The workshop will be based on the model established by Caltrans District 10 and the Alpine-Amador-Calaveras Tri-county partnership. The model has been developed over the past three years and it has proven successful for Amador County SHOPP and Local Assistance projects as well as the Tri County STIP projects. (Three of the four Tri-County STIP projects, approximately \$50 million worth, are ready for construction after six years.)

The model's most important tool is the Project Development/Delivery Team (PDT) meeting. The most important tool for the PDT meeting is the action item list. The action item list is maintained in as much detail as necessary (the smallest detail can stall the biggest project). At every PDT meeting the action item list is available to and reviewed by all participants. The four key elements to be covered by the PDT with the action items list are project scope, cost, schedule, and expectations (assignments).

Caltrans' Project Manager Joy Pinne and Tri-County STIP Project Manager Scott Maas will lead the workshop with assistance from me and Caltrans District 10 division Chief of Project Management Dave Youmans. Joy and Scott will provide examples of the Tri-Counties action items list and demonstrate its use together with other Caltrans monitoring reports. Dave and I will be joined by Carl Haack of Caltrans Head of Project Management to discuss the potentially controversial, "secret formula" for success. Like the tools and elements summarized above, it is so basic it is often over-looked. A clue about the secret is the word "we". Come to the workshop and learn more!